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ABSTRACT

State regulation of various nontraditional education programs offered by public and private institutions in off-campus locations and outside the state of home-base operation are described. Common elements of licensure laws (to license degree-granting institutions) are described and include: (1) exempted institutions such as regionally accredited institutions and special purpose institutions; (2) consumer protection provisions; and (3) minimum standards. The application or non-application of state regulations on out-of-state institutions is analyzed. The quality of off-campus instruction in the public sector and the allocation of off-campus instruction among a state's institutions are evaluated. (SPG)

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State Regulation of Off-Campus Programs and Out-of-State Institutions

Encouraged by such developments as Britain's Open University and the findings of national commissions (most notably the Carnegie Commission and the Newman Task Force), various nontraditional programs have undergone a period of significant growth in the 1970's. Bound by neither the traditions of the credit hour or by campus residence, these programs are characterized by their flexibility and accommodation to individuals and their circumstances. Teaching takes place in a variety of locations, using different modes of delivery. Programs often focus on the working adult student who can engage in educational activities only on a part-time basis and may have difficulty attending classes at an on-campus location.

One aspect of nontraditional instructional movements has been the increasing volume of credit courses conducted by public institutions in off-campus locations in other parts of the state and the operation of programs, by a large number of both public and private institutions, outside the state of home-base operation.

Off-campus programs and "out-of-state" institutions have raised a number of difficult issues for legislatures, state regulatory agencies, accrediting associations and institutions. The separation of these programs from the source of support available to students attending traditional institutions—for example, counseling services, full-time faculty and library facilities—has led to concerns about quality. The development of off-campus centers by public institutions at locations which infringe on the "territory" of other publicly supported institutions raises coordination issues and the need to control unnecessary duplication.

Some of the most complex issues revolve around the development of national institutions operating across state lines. Licensure laws passed in recent years have been directed in large part toward controlling "degree mills" which have defrauded the public through deceptive advertising and unscrupulous practices. Caught in the same web of state regulation are legitimate institutions which claim that the purpose of legislation, in many cases, has not been consumer protection, but protection of in-state institutions from competition. The out-of-state operations have raised important questions about the limits of state planning and the constitutionality of some current provisions. Conversely, the in-state institutions have objections to some of the practices of these institutions, especially their use of local faculty and facilities.

Institutional Licensure Laws

In recent years a number of states have passed new legislation to license degree-granting institutions (see Table 1). Licensure laws, in contrast to chartering or registration statutes, have involved the states in the establishment of minimum standards and the evaluation of institutional quality. It is a new and difficult role for many states. In 1973, the Education Commission of the States (ECS) created model legislation which some states have used as a basis for their legislation. While licensure laws vary widely in both specific provisions and intent, there are some common elements:

Exempted institutions: Among the most important differences in state laws are variations in types of institutions exempted from the licensure process. Some states exempt regionally accredited institutions (West Virginia), or those accredited by an association recognized by the Council on Postsecondary Accreditation (Tennessee), or those institutions which can demonstrate that academic credits are accepted by accredited institutions (Florida). Some states have also provided for the exemption of special purpose institutions, such as church-affiliated schools where the primary purpose is religious training rather than preparation for an academic degree. In North Carolina, all nonpublic colleges, regardless of accreditation, which wish to confer degrees are subject to licensure.

Consumer protection provisions: Most state licensure laws and regulations contain provisions directed at consumer

issues in higher education

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protection. Institutions may be required to obtain surety bonds and/or proof of financial assets in excess of a certain dollar amount ($500,000 in one state). Institutions are enjoined against false advertising and making unsubstantiated claims (including interpretation of "licensure" as accreditation by the state). Some states specify cancellation and refund policies and provide for the maintenance of school records in the event of closing.

Minimum standards: The criteria employed for judging institutions are often difficult to assess. In some cases, state laws and regulations are purposely vague to allow for wide flexibility and overall assessment of the institution. Wayne Freeburg, executive director of the Florida Board of Independent Colleges and Universities, believes the law in his state is guided by consumer protection concerns. This philosophy, he asserts, can best be served, not by establishing specific criteria for faculty qualifications and facilities, but by asking the question, "Does the institution have the resources to do what it purports to do?" In practice, this means the licensure of a wide range of institutions--some with limited and special purposes.

Often states, North Carolina for example, have estab-

Table 1

Licensure and Registration Laws for Degree-Granting Institutions

State	Regulatory Agency	Statute Reference	Comment
Alabama	None		Proprietary school law exempts "colleges offering academic courses toward a recognized and valid degree."
Arkansas	Department of Higher Education 1301 West Seventh Street Little Rock, Arkansas 72201	Act 560 of 1977 (previously Act 903 of 1975)	Requires certification and incorporation prior to offering degrees. Covers courses or degrees offered by out-of-state institutions, including external degrees and correspondence courses.
Florida	State Board of Independent Colleges and Universities Department of Education Tallahassee, Florida 32304	Chapter 246, Florida Statutes	Licensing by an independent board. Exempts accredited institutions and those whose credits are accepted by at least three accredited institutions.
Georgia	State Department of Education State Office Building Atlanta, Georgia 30334	Section 14 and Section 32-415 of Georgia School Code	Current certification law carries no enforcement power. Proposed bill (Postsecondary Educational Authorization Act) seeks to strengthen licensure.
Kentucky	Kentucky Council on Higher Education U.S. 127 South, West Frankfort Office Complex Frankfort, Kentucky 40601	Kentucky Revised Statute (KRS) 164.945 to 164.947	Requires license to grant degrees. Restricts use of terms *college* or *university*. Regulations require out-of-staters to demonstrate need.
Louisiana	Louisiana Board of Regents Suite 1530 One American Place Baton Rouge, Louisiana 70825	Act 225 of the 1976 Regular Session	Requires registration of institutions including those based out-of-state. Licensure *is not* required.
Maryland	Maryland State Board of Higher Education The Jeffrey Building 16 Francis Street Annapolis, Maryland 21401	Article 77A of the laws of the State of Maryland	State board has power to control awarding of degrees. Statute has been interpreted to include out-of-state institutions.
Mississippi	Commission on College Accreditation Chairman—Executive Secretary of the Board of Trustees of State Institutions of Higher Learning P.O. Box 2336 Jackson, Mississippi 39205	Title 37-101-241 Mississippi Statutes	Colleges wishing to grant degrees must be approved by the accrediting commission.

lished much more specific criteria, especially in the area of facilities, which must be met in order to offer academic degrees in that state. The objectives of such an approach are more likely to be educational and developmental than regulatory.

The evaluation of nontraditional programs, however, raises problems. With acceptable practice so much in flux, states have difficulty separating the legitimately "innovative" institutions from "fly-by-night" operations. Credit for life experience, the use of adjunct faculty, dependence on local library facilities, learning contracts, and joint dissertations are only a few of the devices which have been used by nontraditional institutions and questioned by educators and state officials. The nontraditional institutions themselves have joined others in calling for criteria by regional accrediting associations so that their own reputations will not be damaged when they are lumped with questionable institutions.

Clearly there is no uniform philosophy which guides licensing. Some states have adopted essentially the same criteria for all types of institutions. Others have attempted to use the institutions' stated objectives as a starting point. But,

State	Regulatory Agency	Statute Reference	Comment
	Mississippi Commission of Proprietary School and College Registration Suite 506, Sillers State Office Building P.O. Box 771 Jackson, Mississippi 39205	Title 75-60	Law deals with licensure of proprietary institutions; however, all out-of-state institutions have been interpreted as proprietary.
North Carolina	University of North Carolina P.O. Box 2688 Chapel Hill, North Carolina 27514	General Statutes of North Carolina (G.S. 116-15)	Rules establish criteria for licensure in order to grant degrees. Out-of-state institutions required to meet same standards as in-state.
South Carolina	South Carolina Commission on Higher Education Room 1104 Rutledge Office Building 1429 Senate Street Columbia, South Carolina 29201	Act 201 (1977)	Provides for the licensure of institutions seeking to grant "academic" degrees. Accreditation by an organization recognized by Council on Postsecondary Education accepted as meeting standards for licensure.
Tennessee	Tennessee Higher Education Commission 501 Union Building, Suite 300 Nashville, Tennessee 37219	Chapter 39— Post-secondary Education Authorization Act	Institutions must obtain license and meet minimum standards. Prohibits use of terms. Exempts institutions accredited by regional associations and members of the Council on Postsecondary Accreditation.
Texas	Coordinating Board Texas College and University System P.O. Box 12788, Capitol Station Austin, Texas 78711	Chapter 61, Subchapter G and H, Texas Education Code (H.B. No. 1379 and 1538, Texas 1975)	Requires certificate of authority to grant degrees, enroll students, or use of terminology. Applies to out-of-state institutions, public and private. Rules exempt accredited institutions (or candidates).
Virginia	State Council of Higher Education for Virginia 700 Fidelity Building 9th and Main Richmond, Virginia 23219	Section 23-3.1, 23-8.2 23-8.3, 23-9	Restricts use of terms, requires approval to grant degrees. Criteria applied are similar to regional accrediting associations'. Out-of-staters must register and be accredited by USOE-approved agency to operate.
West Virginia	West Virginia Board of Regents 950 Kanawha Boulevard, East Charleston, West Virginia 25301	West Virginia Statutes, Chapter 18-26-13a	Board determines minimum standards for the conferring of degrees. West Virginia institutions with regional accreditation meet requirements; out-of-staters are evaluated based on North Central Association standards.

objectives in higher education are not easily stated; and there are changing conceptions of what constitutes adequate curriculum and physical arrangements. States must also determine how much regulation to enforce to protect the student from his own poor judgment.

In the absence of widely accepted criteria for guidance, measures taken by licensing boards are likely to reflect general attitudes concerning the legitimacy of nontraditional programs. Boards which feel that "innovative" operations should be encouraged have found ways to license such institutions. Those which view most such operations as "fly-by-night" and a threat to the integrity of academic degrees have found ways of discouraging or limiting nontraditional operations of all kinds.

Out-Of-State Institutions

The increasing number of institutions operating across state lines has created special problems for state licensing agencies. In many cases the laws make no mention of out-of-state operations; in others they are exempted from licensure due to accreditation of the home-base operation. Virginia, which requires licensing of in-state degree-granting institutions, makes no attempt to evaluate the quality of out-of-state operations, depending rather on the accrediting associations. The North Carolina licensure law has been interpreted as encompassing all out-of-state operations, both public and private. Its rules and regulations specifically note that out-of-state institutions must meet the same standards as those applied to in-state institutions. In Kentucky, regulations require that out-of-state schools obtain a license and that they establish the need for a proposed program. Further, the Council on Higher Education "shall determine that such need cannot reasonably be met by colleges located in Kentucky."

Many out-of-state operations in the South operate exclusively on federal installations, usually military, and thus are immune from state regulation. State officials note, however, that such operations often recruit and enroll civilians. In addition, external degree programs which enroll students out-of-state but do not utilize physical facilities do not usually come under state licensure laws.

While these interstate programs have come under attack in some states, they have the potential for a positive effect on higher education. They can, many believe, provide for healthy competition and laboratories for new models of delivery. Their success, supporters argue, demonstrates that they are meeting previously unmet public needs.

A survey conducted by SREB of out-of-state operations in the South revealed a large and varied list of institutions (see Table 2). The range of offerings is considerable, although technical, business administration, public administration and teacher education programs are among the most common. Some institutions, as mentioned, operate primarily on military bases and offer courses and programs to servicemen and women and their dependents (Pepperdine University, University of Southern California, Embry-Riddle Aeronautical University). Others specialize in teacher education, contracting with local school districts to provide courses and programs (La Verne College, Rocky Mountain College). The University of Oklahoma offers master's programs in public administration and business administration. The Center for Degree Studies of Scranton, Pennsylvania offers a number of associate degree programs in engineering and electronic technologies. Drew University of New Jersey offers a doctorate in theology.

Programs operating out-of-state often employ local coordinators who contract with community resource people and faculty members from other institutions to teach courses in local high schools, community or military base facilities, federal office buildings, or hotel meeting rooms. In some cases, the out-of-state programs have more extensive facilities resembling those of a "branch" or off-campus center. On military bases, faculty sometimes teach for more than one institution, and registrars or admissions officers are employed by more than one institution at the same time.

A unique and sometimes controversial institution operating nationwide is Nova University of Ft. Lauderdale, Florida. In addition to its home-base operation (which includes an oceanographic institute and a law school), Nova operates three doctoral degree programs and one master's program in twenty states, plus the District of Columbia and Puerto Rico. The educational administration program (Ed.D.) is directed toward employed administrators at the elementary and secondary level (employment is a requirement of admission). Similar programs are directed at public administrators and community college faculty. Clusters of about 30 students each meet for day-long sessions on the weekends. The three-year program uses adjunct faculty who travel to these clusters. Students also attend summer institutes at the Florida main campus. Nova prides itself on exposure of its students to nationally known faculty and on the collegial nature of the clusters. Library resources are provided through material and money allocated to the clusters and by access to computer data bases and microfiche materials by mail.

In many ways, Nova is traditional—there is a set curriculum and prohibitions against transfer credits or credit for experience, for example. Students are evaluated both by the adjunct faculty and readers of the "practicums," which are required exercises similar to dissertations but oriented more toward the students' particular work experiences. In 1971, the Southern Association of Colleges and Schools (SACS) granted Nova regional accreditation, which was reaffirmed in 1975.

Ironically, it is Nova University's attempt to combine the traditional with the nontraditional that has brought it to the attention of state licensing agencies. Other programs which have avoided the use of any facilities by conducting totally "external" programs have generally gone unnoticed and unregulated by the states. Walden University in Florida, for example, arranges contracts between individual students and faculty members (usually employed full-time by other institutions). Students also attend a summer institute. A soon-to-be-released study conducted by the American Council on Education (ACE) on external degree programs, found 27 such programs in nine SREB states, including "New College" at the University of Alabama, the Regents' B.A.

degree programs in ten West Virginia public institutions, and the external degree program at Florida International University (see Table 3).

From the states' perspective, out-of-state operations have raised a number of legitimate questions. Considering their obligation to protect the public from fraudulent operations, states need to examine both in-state and out-of-state operations. But some states have assumed an additional responsibility—to protect the integrity of the academic degree. Critics claim that out-of-state programs are attracting students away from in-state institutions by lowering standards. The in-state institutions respond in kind by lowering their own standards. It is a form of Gresham's Law says one state official—"low quality programs drive out the high quality ones."

The institutions involved in multi-state operations have a different perspective however. The states, they complain, are more interested in protecting their own public institutions than in protecting consumers. In cases where the state agency charged with licensing is also the governing board for the state university system, there is, critics argue, *prima facie* evidence of conflict of interest.

Red tape is strangling innovation and reform, says Morris Keeton, former provost of Antioch College. "The real enemies of higher education reform are the competitors who stand to lose markets. . . ." The language of regulation is consumer protection, but the reality is protectionism, asserts Keeton.

> Increasingly, states are adding to the procedures and regulations constraining innovation. Separate authorizations may be required for the right to do business in a state, to get program approval to offer degrees, to be eligible for state aid to students (with veterans as a special category, and often under different terms for different programs), and to confer particular forms of certification (with a separate authorization for each form of certificate).

For new and struggling institutions, time and money are the greatest constraints. In addition to the financial endowments some states are requiring, the price to be paid for onsite visits of certifying officials and the sometimes deliberately lengthy review process have been enough to discourage many would-be innovators.

"The burden of proof is always on the innovator," says Fred Nelson, vice president of external affairs for Nova University. "Even though a public institution may be mediocre, it is assumed not to be fraudulent. Private institutions, particularly new and innovative ones, are expected to prove they are not fraudulent. And the proprietary institutions are sometimes assumed to be fraudulent or at least meretricious."

But from the perspective of some states, the out-of-state schools live off the resources of others by using state-owned library facilities and adjunct faculty who are employed by other institutions. In some cases, critics note, out-of-state operations have been the economic salvation for a troubled home-base operation. The out-of-state institutions argue, however, that it is in the interest of the citizens of a state to have available a wide variety of educational options, not just those of the state-supported schools. Why should a state, they ask, object to programs which require no state-appropriated dollars?

The Restraint of Trade Argument

The possibility of litigation over state regulation of out-of-state institutions must be considered. Institutions have raised questions about the constitutionality of some state actions. However, the cost and potential benefits of court action have heretofore constrained institutions from challenging the states. While the institutions could raise questions about due process and state officials' authority under state law, another likely issue for litigation may be alleged state violations of the "commerce clause" of the United States Constitution. William Kaplin, law professor at the Catholic University of America, argues that the commerce clause limits the authority of states to regulate in ways which interfere with the free movement of goods and people across state lines. Precedents exist, he argues, for consideration of educational activities under the definition of "commerce." In the past, the courts have performed a delicate balancing act, attempting to protect legitimate state interests, while at the same time protecting the principles of free trade. Often, the courts have required legitimate local public interest, not protection of the economy of a community, as a criterion for decisions in favor of regulation.

While no such case has reached the courts, Kaplin suggests some tests which might be applied. Is the regulation even-handed? Are out-of-state institutions being subjected to criteria not applied to in-staters? Suppose a state denied entry by imposing a need requirement to which in-state programs were not subjected? Or a need requirement newly applied to both out-of-state and in-state programs, but which serves to freeze and preserve a market dominated by in-state schools? What will the courts say about denial of approval by a statewide board dominated by in-state institutions?

Off-Campus Instruction in the Public Sector

While state agencies search for ways to regulate out-of-state institutions, they are struggling over similar issues with their own public institutions. Off-campus instruction, once shunned by all but a few, has obtained a new respectability. Public institutions are conducting credit and noncredit courses in locations distant from the main campus. Off-campus enrollment in Tennessee numbered 12,700 in 1976, nearly ten percent of total enrollment in that state. North Carolina reported more than 76,000 individual registrations in degree credit instruction off-campus. While a variety of groups and professions are served by such instruction, teachers and other professional school personnel are the largest consumers. North Carolina and Florida report that aproximately 60 percent of their off-campus programs and courses are directed toward this clientele. With other professions implementing continuing education requirements for certification purposes and renewal of licenses, off-campus instruction is likely to grow as well as to diversify.

(continued on page 8)

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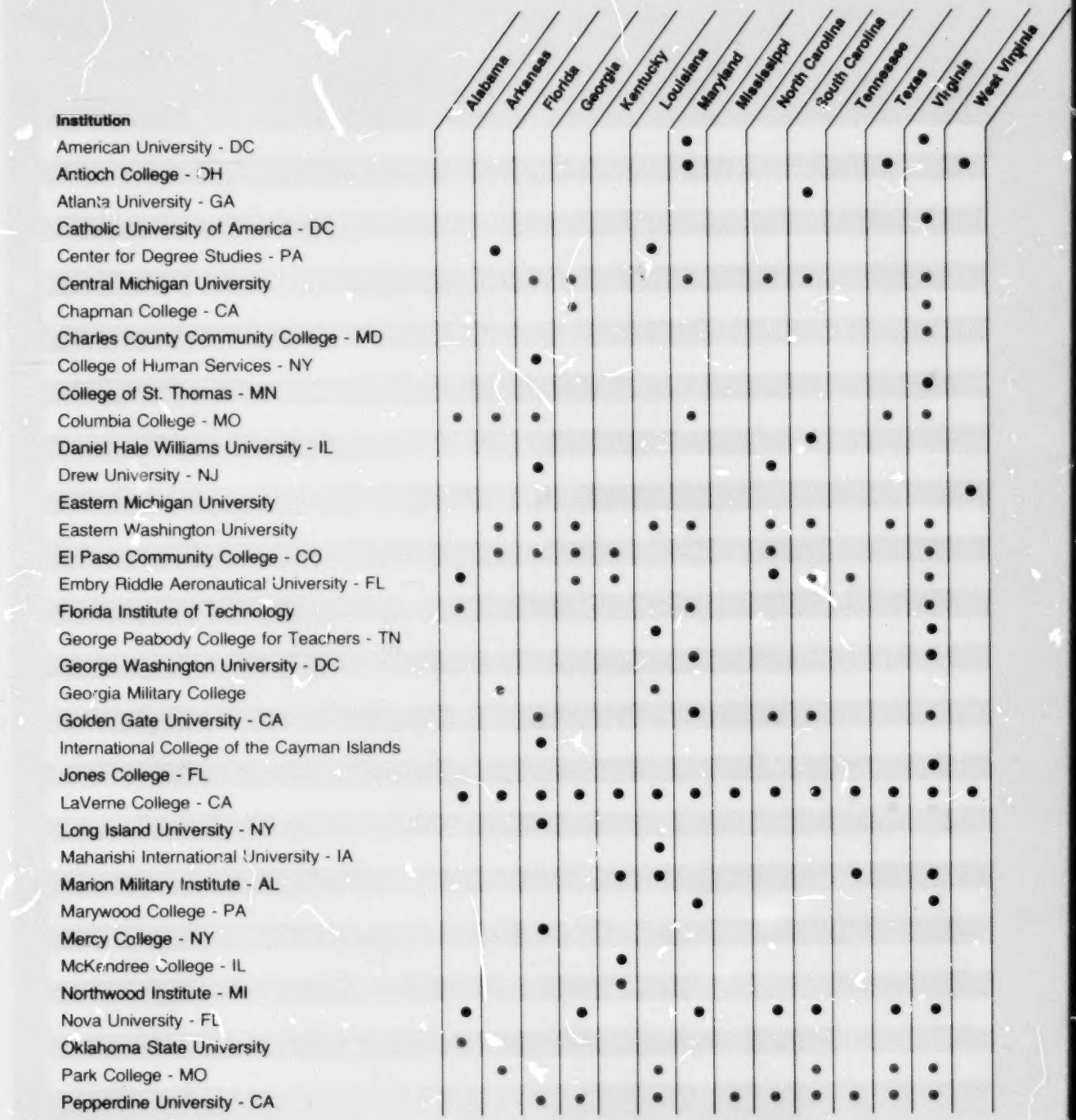
Out-of-State Institutions Offering Degree



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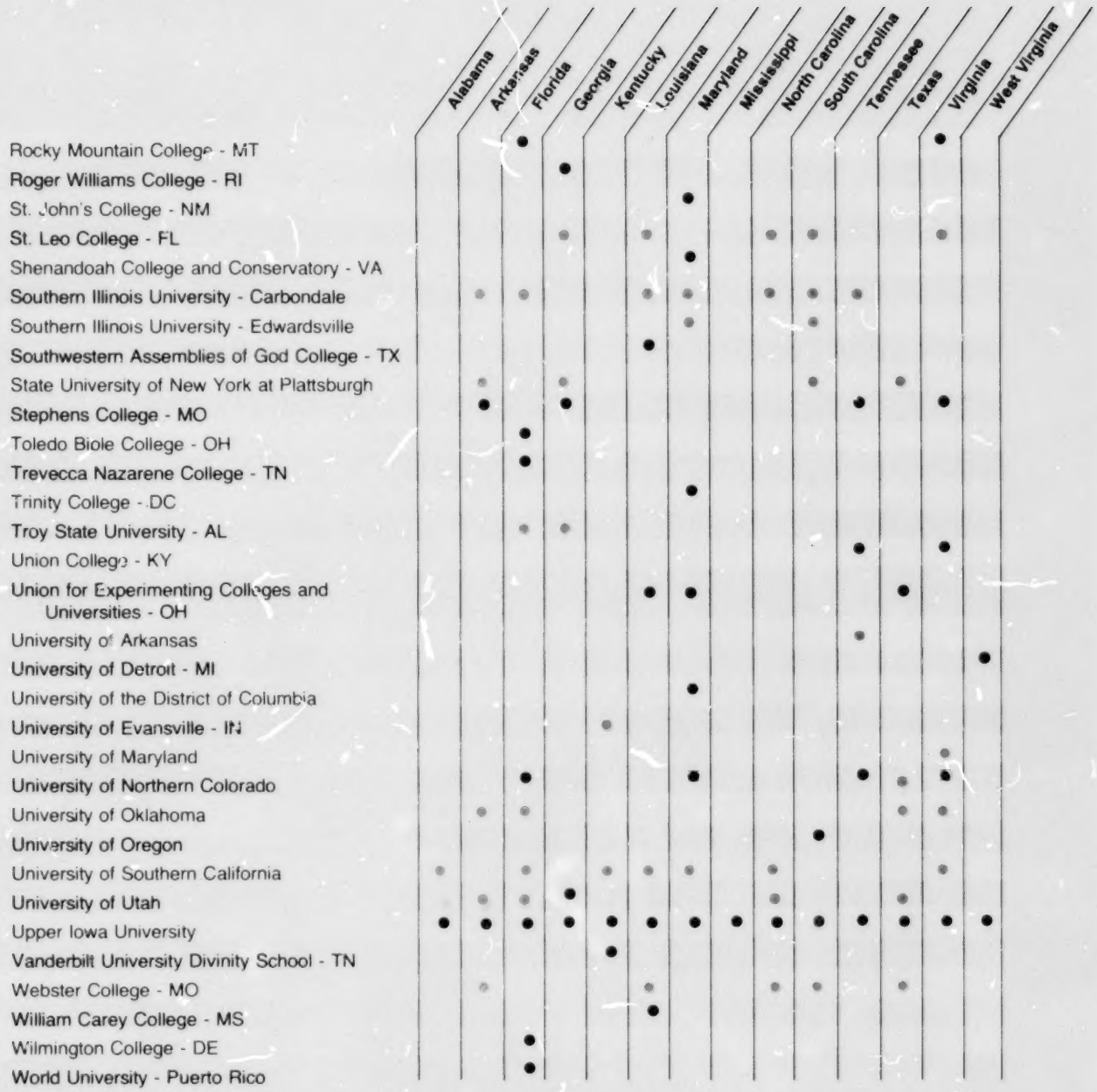
Credit Courses in Southern States, Fall 1977



● Indicates programs offered exclusively on military bases or other federal property.

Note: The list of institutions above was compiled by contacting state higher education agencies, veterans' approving offices and state departments of education. Institutions were then asked to confirm the information. The colleges and universities included operate programs in the states indicated (in addition to their home state) through the use of some type of physical facility. External degree programs, which often enroll students across state lines have been excluded. For a list of such programs see Table 3.

As with the out-of-state operations, critics believe that the movement has led to a proliferation of low quality and unnecessary programs and numerous territorial disputes among institutions. Supporters argue, however, that off-campus programs have been developed to meet the legitimate needs of working adults who cannot attend classes on campus. These programs, to be sure, pose difficult problems for statewide planning and coordinating agencies and institutions. How should program responsibilities and territories be divided among competing institutions? What constitutes unnecessary duplication? How can quality be maintained? At what level should such programs be funded?

A number of states have recently developed or revised their guidelines for off-campus instruction. Florida allocates off-campus instruction both by designating county jurisdictions and program responsibility among its institutions. A Virginia statute has mandated the development of regional consortia for off-campus planning. Six regional consortia have been established, with each under the governance of a board of directors consisting of the presidents of institutions located in the region and an *ex-officio* member from the staff of the State Council of Higher Education. The arrangement is aimed at eliminating duplication and establishing criteria for determining the appropriate institutions to perform the respective activities. Institutions wishing to conduct off-campus programs in a region must be approved by the appropriate consortium.

The Texas Story

Nowhere in the region, however, has the issue been more hotly debated or been a subject of greater concern than in Texas. A review of that state's recent experience highlights many of the issues surrounding off-campus instruction.

The Texas system of public higher education consists of 92 public institutions governed by lay boards. Among the boards for senior institutions are several which have responsibility for more than one institution, including the large multi-campus University of Texas System. The Coordinating Board of the Texas College and University System is charged with the primary responsibility for statewide coordination, including the power to approve or disapprove new degree programs and designation of formulas used by the governor and legislature for determining appropriations.

The past 10 years in Texas higher education have been ones of substantial growth. Unlike some states, growth has continued through the 1970's at a rapid pace. Since 1968, twenty-five new public institutions have been opened, including 10 new community colleges. In a report to the legislature in January 1975, the Coordinating Board noted that 97 percent of the state's population was within 50 miles of a public institution of higher learning.

Demands for expansion continue in Texas institutions. The Coordinating Board, which has declared a moratorium on new graduate programs, currently has 63 programs pending decisions on approval.

Figure 1

Distribution of Upper Division and Graduate Off-campus Degree Credit Courses, Texas Senior Institutions, 1977-78

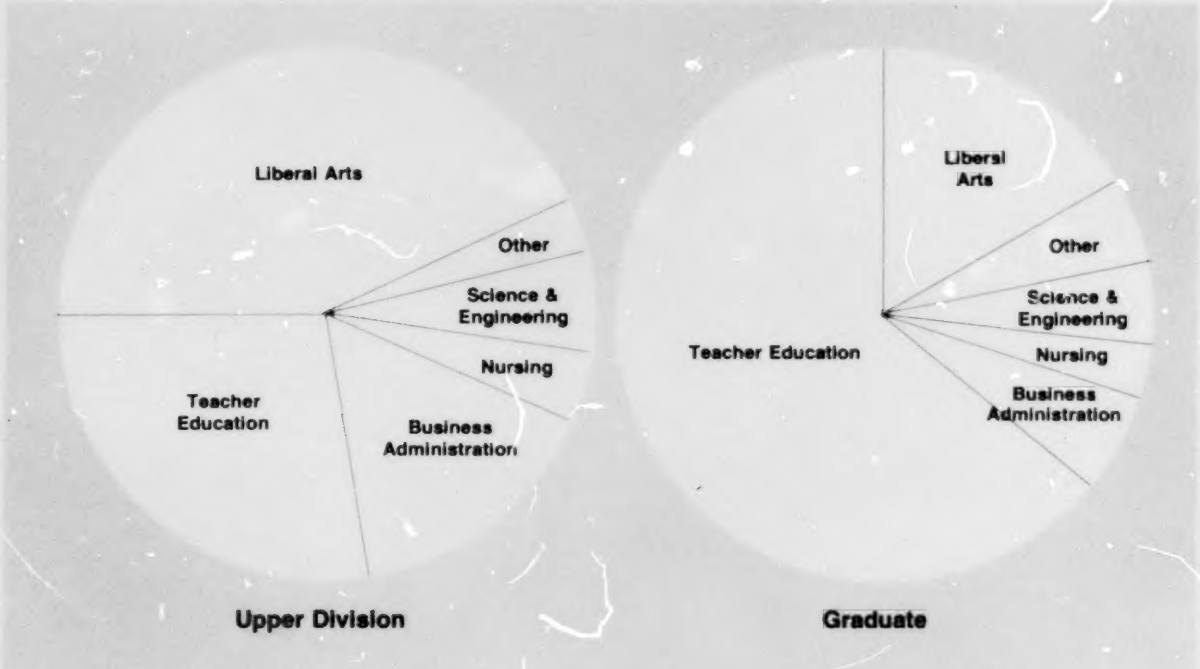
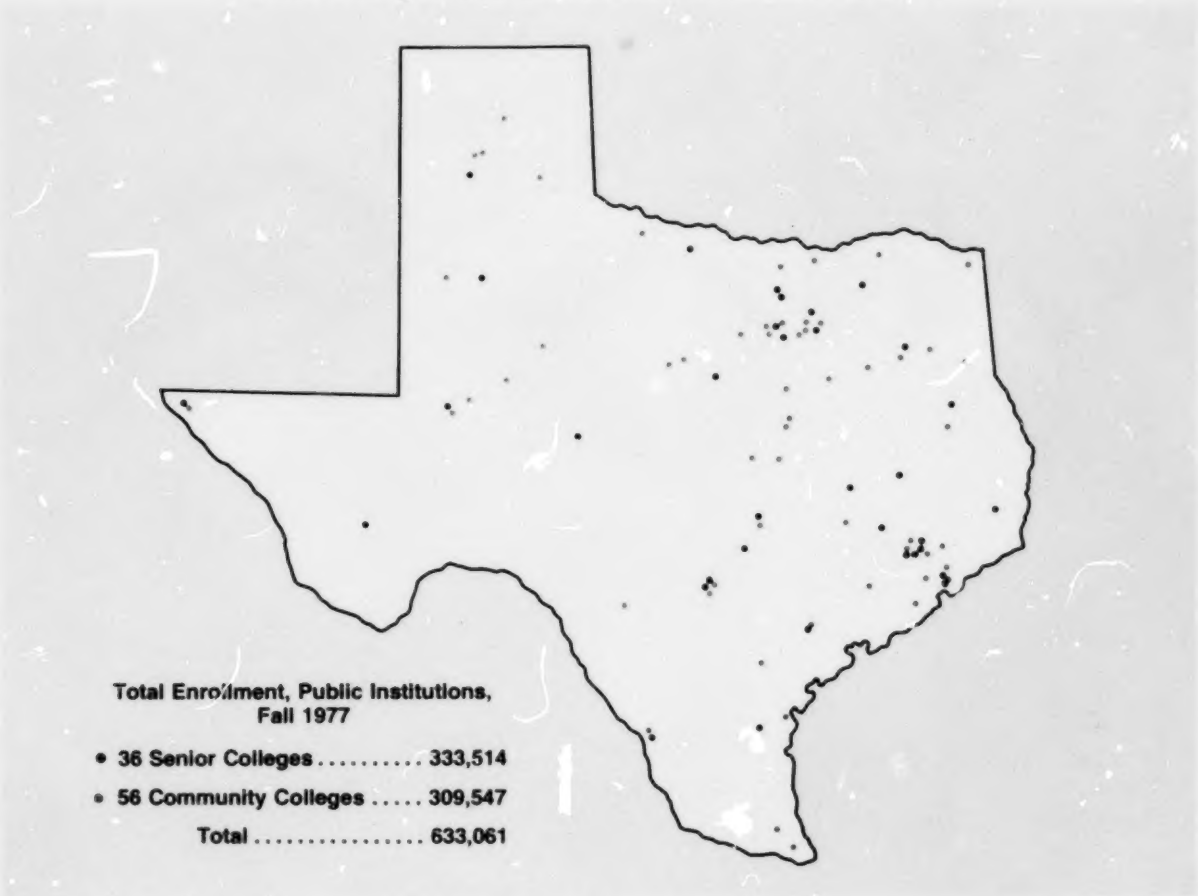


Figure 2

Public Colleges and Universities in Texas, Fall 1977



Off-campus instruction in Texas developed as a means of covering the vast territory of the state. Extension courses were offered by 12 of the state's senior colleges in 1968, often in areas which would later have institutions of their own. In 1971, when SACS adopted new standards and required institutions to stand fully behind the quality of their instruction whether off- or on-campus, the old extension classification was dropped. Institutions switched to off-campus resident instruction which, unlike extension work, was supported by state subsidy. In 1973, there were 945 classes taught off-campus by the state's senior colleges and universities. In 1976-77 the number had risen to 3,880. Half of these courses are in teacher education (see Figure 1). State support for off-campus programs in both junior and senior institutions is estimated at $42 million in the current biennium.

By 1972, the Coordinating Board and the Texas Legislature had begun to raise questions about the rapid growth of off-campus instruction. Some Board members and legislators had doubts about the educational validity of such activity, and concern for possible duplication of effort.

However, much of the pressure for regulation and coordination of off-campus activities originated with the existing institutions themselves. In 1969, the University of Texas of the Permian Basin was established in an area of west Texas which had long been served by the extension activities of several institutions, including Sul Ross State in Alpine and Texas Tech in Lubbock. When enrollments at Permian Basin did not meet expectations, administrators pointed at the continued off-campus activities of institutions still operating in the area and demanded that the Coordinating Board curb their operations.

The first effort to develop regulations, begun in 1973 by the staff of the Coordinating Board, attempted to use the structure of the eight regional councils which had been organized among the Texas community colleges. Senior institutions in Texas, however, would accept the councils' mediation only for disputes over freshman and sophomore off-campus courses, of which there were few. Further, the universities argued, geographic division of off-campus in-

Table 3

External Degree Programs in the South

Alabama

University of Alabama, *New College*

Florida

Embry Riddle Aeronautical University, *College of Continuing Education*

Florida International University, *State University System External Degree Program*

Miami-Dade Community College, *Life Lab Division*

St. Leo College, *External Degree Program*

University of South Florida, *BIS External Degree Program*

Louisiana

New Orleans Human Services Institute

Maryland

Columbia Union College, *External Studies Program*

Community College of Baltimore, *Department of Continuing Education*

University of Maryland, *Open University*

Urban Regional Learning Center, c/o Community College of Baltimore, Harbor Campus

South Carolina

University of South Carolina, *Military Regional Campuses*

Tennessee

University of Tennessee at Martin, *Criminal Justice Education*

Texas

Baylor University, *Continuing Education Office*

Hispanic International University, *University Without Walls Program*

Saint Edward's University, *New College*

Virginia

George Mason University, Office of Extended Studies

West Virginia

Regents B.A. Degree Program:

Bluefield State College

Concord College

Fairmont State College

Glenville State College

Marshall University

Shepherd College

West Virginia Institute of Technology

West Virginia State College

West Virginia University

Source: American Council on Education, *Guide to External Degree Programs* (forthcoming)

struction made little sense. From their perspective, dividing instruction on the basis of program responsibilities was more appropriate.

The continued failure to resolve the conflicts over upper division and graduate level instruction led to new legislation in 1975 which authorized the Board to carry out course-by-course approvals. This state mandate to identify the sources of duplication required that the staff of the Board review and approve or disapprove each of the 4,000 courses being offered off-campus in the state.

The size of the task quickly led to a revision of the regulation. The following year, the Coordinating Board took another approach. Informal conferences were organized by areas of the state. (The staff of the Board had concluded that territorial conflicts, not program disputes, were indeed the principal problem.) Those institutions located in the area, and those institutions "interested" in the discussions, were invited to attend. Institutions were encouraged to resolve their own conflicts. When this was not possible, the Coordinating Board mediated, following a set of rules which favored local institutions.

The Houston area was one in which the Coordinating Board was called upon to resolve territorial conflicts. The local institution in this case was the University of Houston; the "remotes" were a number of institutions including some which had long-established off-campus programs in the area. Stephen F. Austin State University, for example, had established a relationship with a school district in the northern suburbs of Houston, using it as a "practice teacher" outlet. When the district began to look for graduate courses for its teachers, it turned to Septhen F. Austin.

The courses taught by Stephen F. Austin were eliminated, but the questions which were raised persist. What constitutes unnecessary duplication? Should students living in a congested urban area, where commuting is difficult, be required to attend classes on-campus? (The University of Houston has not replaced the off-campus programs in the outlying districts, and critics charge that students have not correspondingly enrolled in the University's on-campus programs.)

What is known, says the Board, is that the informal negotiations per se have had a significant effect. To avoid bringing disputes to the Coordinating Board, the institutions have become much more cooperative.

Lifelong Learning: Wave of the Future or Institutional Ruse?

The claim is made that motivation to expand off-campus instruction, whether to a neighboring county or to a distant state, is linked to the need to counter stable or declining enrollments at the home campus. With low facilities costs and the lower costs of using part-time or adjunct faculty, dollars can be generated for home campus activities. In 1977, the Texas Coordinating Board proposed that off-campus degree credit instruction be funded at 60 percent of the level of on-campus activities. In the face of heavy lobbying by the community colleges, the legislature modified the proposal so

that the effect will be to fully fund all but a small amount of the current activity.

Funding of off-campus programs in other SREB states varies. In Tennessee and Florida, credit hours generated off-campus produce the same dollar support from the state as comparable credit hours on-campus. In Virginia, the formula used in funding has discriminated against off-campus instruction, utilizing higher student/faculty ratios and lower salary schedules. Institutions are expected to pay from internal funds for about 50 percent of the cost of enrollment. North Carolina appropriates funds for administrative support of off-campus activities, but generally instruction costs are met from student fees. In Arkansas, the formula used by the State Department of Higher Education has treated off-campus and on-campus instruction equally (except in the areas of plant operation and maintenance) but the institutions have, in fact, received little funding for these operations. A proposal being considered for the 1979-80 biennium calls for a recommended funding level at 75 percent of the rate of on-campus instruction.

To many, including Dr. Kenneth Ashworth, Commissioner of Higher Education in Texas, institutions are being forced into the "body-counting business." Methods being adopted to increase institutional budgets, which in most states are closely linked to enrollments, include lowering of admissions and performance standards, active recruitment programs, and the creation of off-campus centers. Institutions note, however, that off-campus instruction is a response to strong consumer demand. In states where teachers' salaries are linked to the accumulation of graduate credit, there is a tremendous motivation for enrollment. (The regional accrediting associations also set school standards which include teacher requirements for graduate degrees.)This system has created abuses, some charge, with instructors teaching, and students taking, courses that are low in quality, unneeded, and unwanted. "We need to be certain," says Dr. Ashworth, "that the needs of the state are being met, but that the needs are self-evident and not being created."

What may be self-evident to some, may not be to others. The link between dollars and enrollment served as the great motivating force for institutions in the 1960's to meet what was widely held as a pressing social need—to expand higher education toward the goal of universal access. For some, lifelong learning is emerging as the new goal for higher education in the coming decades. At the federal level, the Education Ammendments of 1976 placed new emphasis on the lifelong learning concept. Even if the act provided little new federal money for such activities, it established a context for future direction as well as an expression of the growing political support for such activities. Institutions, which once had only contempt for programs directed at working adults, have turned with enthusiasm to the concept of cradle-to-grave education.

Important questions for institutions and states center on funding. Will lifelong learning be funded by additional dollars or by the reallocation of existing funds? The latter approach requires the difficult job of setting priorities and measuring benefits against costs. Choices will have to be made. How do the needs for continuing education of working adults and increased access through "portable" programs compare to the development of traditional on-campus programs? Lifelong learning advocates point to the changing nature of students to argue their case—there are more older part-time students in need of specific job upgrading. Job constraints limit the flexibility of these students to attend traditional institutional programs.

Critics believe that unless quality is maintained—which they charge is not the case in many nontraditional and off-campus programs—the credibility of higher education will be destroyed. Supporters of off-campus instruction believe, however, that the traditional programs should not serve as models of quality. Students who are returning to school for inservice training are often critical of graduate courses taught by campus-based faculty. To them high quality can mean courses led by adjunct faculty who are working professionals.

The development of teacher education centers in some states has been, in part, the result of teachers' growing dissatisfaction with the campus-based graduate programs. Governed by teachers and school administrators and staffed by colleges and universities, these centers are an effort to separate the noncredit professional inservice needs of teachers from the graduate degree programs of the institutions. Yet, the critics charge, the centers will shop around to find colleges that will pay part of the center costs of faculty and give college credit for such instruction. With the states paying the college for those credit hours, institutions are often receptive to such arrangements.

Educational leaders have been sensitive to criticisms of the quality of off-campus and nontraditional programs. The Council on Postsecondary Accreditation (COPA) is conducting a W. K. Kellogg-funded study of nontraditional education, with the objective of producing more specific guidelines for the development and evaluation of such programs. The Southern Association of Colleges and Schools (SACS) has been more closely monitoring the off-campus operations of its member institutions. Unlike the policies of some of the other regional accrediting associations, SACS subjects the overall off-campus or continuing education division to review, along with on-campus units.

In a recent policy statement on "Non-residential Graduate Degree Programs," the Council of Graduate Schools in the United States (CGS) called upon the regional accrediting associations to "move in the direction of more specific and selective accreditation, rather than accreditation of the institution 'as a whole' as traditionally done." Institutions would be accredited for specific programs in specific locations. Extension to other locations or new program areas would require review and approval. The accrediting associations, however, have been opposed to such a change. "Accreditation must be applied to the institution as a whole," says Dr. Grover Andrews of the Commission on Colleges of SACS. "This does not exclude review and approval of new programs as they are added, but they should not be separately accredited."

One of the weaknesses of the accreditation process has emerged when institutions have operated across regional boundaries of the associations. The regions are working on mutual agreements to cooperate in the evaluation of such programs. The Southern Association has adopted policies to

this end and expects that all of the associations will do so in the near future.

From the perspective of the state, many of the issues raised here remain unresolved. States do need mechanisms to insure that off-campus programs are being coordinated and that unnecessary duplication is eliminated. Further, many states need to examine both the intent and effect of existing or proposed legislation and rules on licensure. States are sometimes open to the charge that regulation has gone beyond the protection of consumers to policies which discriminate against legitimate nontraditional institutions and modes of delivery.

Unclear, however, is the appropriate role of the states in the evaluation of quality. Many educators believe that efforts in this direction take state agencies out of their area of expertise and will result in erosion of diversity in academic life. The burden of proof remains with the institutions and their regional associations. If they do not keep order in their own houses, states will seek regulatory remedies.

Issues in Higher Education No. 12 was written by James R. Mingle, SREB Research Associate.

Further Reading. . . .

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